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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,774	11/22/1999	MICHAEL G MIKURAK	10761.0194-00	9073
81331	7590	02/23/2011	EXAMINER	
Accenture/Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue Washington, DC 20001-4413			DURAN, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3622	
			NOTIFICATION DATE	DELIVERY MODE
			02/23/2011	ELECTRONIC

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1                   UNITED STATES PATENT AND TRADEMARK OFFICE

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4                   BEFORE THE BOARD OF PATENT APPEALS  
5                   AND INTERFERENCES

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7  
8                   *Ex parte* MICHAEL G. MIKURAK

9  
10  
11                  Appeal 2010-000340  
12                  Application 09/444,774  
13                  Technology Center 3600

14  
15  
16                  Before ANTON W. FETTING, JOSEPH A. FISCHETTI, and  
17                  BIBHU R. MOHANTY, *Administrative Patent Judges*.  
18                  FETTING, *Administrative Patent Judge*.

19                   DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

1 STATEMENT OF THE CASE<sup>2</sup>

2 Michael G. Mikurak (Appellant) seeks review under 35 U.S.C. § 134  
3 (2002) of a final rejection of claims 70, 74-76, 82-87, 90-93, 99-104, 107-  
4 109, and 112-115, the only claims pending in the application on appeal. We  
5 have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

6 The Appellant invented software for interacting with a user to increase  
7 visibility during installation management in an e-commerce environment.

8 Specification 1: Field of the Invention.

9 An understanding of the invention can be derived from a reading of  
10 exemplary claim 70, which is reproduced below [bracketed matter and some  
11 paragraphing added].

12 70. A method for a framework manager to provide installation  
13 management of a service in a network-based supply chain  
14 framework between at least two independent business entity  
15 users such as service providers, vendors, resellers,  
16 manufacturers and the like, the method comprising:

17 [1] causing a framework manager using a network to:  
18 (a) receive information via the network

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<sup>2</sup> Our decision will make reference to the Appellant's Appeal Brief ("App. Br.," filed May 18, 2009) and Reply Brief ("Reply Br.," filed September 8, 2009), and the Examiner's Answer ("Ans.," mailed July 8, 2009).

including information relating to a service provided by a service provider from the service provider;

(b) receive information via the network

including information relating to manufacturer offerings by a manufacturer from the manufacturer;

(c) use and evaluate the information provided by

the service provider via the network and  
the manufacturer

to match

the service to

the offerings,

evaluating factors that include

cost and service provider requirements,

speed of time to site integration,

speed of acquisition,

duplication reduction,

### procurement rationalizatio

#### transportation rationalization

reduced inventories; and

## Service and manufacturer data

(d) use the service and manufacturer offerings information

to manage installations

through the use of a collaborative planning tool

which facilitates the transfer of

the information received from the service provider and

the information received from the manufacturer;

1 [2] wherein the framework manager provides installation  
2 management  
3 between the manufacturer and the service provider  
4 by facilitating the selection and installation of the service  
5 for both matched business entity users.

6 The Examiner relies upon the following prior art:

Gerace	US 5,991,735	Nov. 23, 1999
Webber, Jr.	US 6,167,378	Dec. 26, 2000
Whipple	US 6,289,385 B1	Sep. 11, 2001
Abgrall	US 6,373,498 B1	Apr. 16, 2002

7 Claims 70, 73-81, 87, 90-98, 104, and 107-111 stand rejected under 35  
8 U.S.C. § 103(a) as unpatentable over Webber and Whipple.

9 Claims 82-84, 86, 99-101, 103, and 112-115 stand rejected under 35  
10 U.S.C. § 103(a) as unpatentable over Webber, Whipple, and Abgrall.

11 Claims 85 and 102 stand rejected under 35 U.S.C. § 103(a) as  
12 unpatentable over Webber, Whipple, Abgrall, and Gerace.

13

## 14 ISSUES

15 The issues of obviousness turn on whether the art describes matching a  
16 product to a service as recited in limitation [1](c).

## 17 FACTS PERTINENT TO THE ISSUES

18 The following enumerated Findings of Fact (FF) are believed to be  
19 supported by a preponderance of the evidence.

1

## 2      *Facts Related to the Prior Art*

3 *Webber*

4 01. Webber is directed to digital automation of transaction spaces.

5 Webber 1:6-7.

6 *Whipple*

7           02. Whipple is directed to creating an object workspace for supply  
8           chains. Whipple 1:28-31.

9

## ANALYSIS

11        We are persuaded by the Appellant’s argument that the art fails to  
12      describe the limitation in claim 70 [1] (c), also present in the other 2  
13      independent claims 87 and 104, to use and evaluate the information provided  
14      by the service provider via the network and the manufacturer to match the  
15      service to the offerings. Appeal Br. 10-13; Reply Br. 3-4. As the Appellant  
16      contends, this requires the goods in limitation [1](b) to be matched to the  
17      service in limitation [1](a).

18 The Examiner simply found that art described making a match. Ans. 19.  
19 While Webber clearly matches buyers and sellers, none of the portions cited  
20 by the Examiner describe matching a product to a service, and we have  
21 found no such description elsewhere in Webber.

22

1 CONCLUSIONS OF LAW

2 The rejection of claims 70, 73-81, 87, 90-98, 104, and 107-111 under 35  
3 U.S.C. § 103(a) as unpatentable over Webber and Whipple is improper.

4 The rejection of claims 82-84, 86, 99-101, 103, and 112-115 under 35  
5 U.S.C. § 103(a) as unpatentable over Webber, Whipple, and Abgrall is  
6 improper.

7 The rejection of claims 85 and 102 under 35 U.S.C. § 103(a) as  
8 unpatentable over Webber, Whipple, Abgrall, and Gerace is improper.

9

10 DECISION

11 To summarize, our decision is as follows.

- 12 • The rejection of claims 70, 73-81, 87, 90-98, 104, and 107-111 under  
13 35 U.S.C. § 103(a) as unpatentable over Webber and Whipple is not  
14 sustained.
- 15 • The rejection of claims 82-84, 86, 99-101, 103, and 112-115 under 35  
16 U.S.C. § 103(a) as unpatentable over Webber, Whipple, and Abgrall  
17 is not sustained.
- 18 • The rejection of claims 85 and 102 under 35 U.S.C. § 103(a) as  
19 unpatentable over Webber, Whipple, Abgrall, and Gerace is not  
20 sustained.

21

22 REVERSED  
23

Appeal 2010-000340  
Application 09/444,774

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3      mev

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